

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1569

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS AND MARBLE (Co-sponsors).

Read 1<sup>st</sup> time January 22, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time January 23, 2002, and referred to the Committee on Environment and Energy, February 14, 2002.

Reported from the Committee on Environment and Energy February 27, 2002, with recommendation that the bill Do Pass By Consent.

Perfectured by Consent March 11, 2002.

TED WEDEL, Chief Clerk

3856L.02P

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### AN ACT

To repeal section 260.270, RSMo, and to enact in lieu thereof one new section relating to waste tires.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 260.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.270, to read as follows:

260.270. 1. (1) It shall be unlawful for any person to haul for commercial profit, collect, process, or dispose of waste tires in the state except as provided in this section. This section shall not be construed to prohibit [used or] waste tires from being hauled to a lawfully operated facility in another state. Waste tires shall be collected at a waste tire site, waste tire processing facility, waste tire end-user facility, or a waste tire collection center. A violation of this subdivision shall be a class C misdemeanor for the first violation. A second and each subsequent violation shall be a class A misdemeanor. A third and each subsequent violation, in addition to other penalties authorized by law, may be punishable by a fine not to exceed five thousand dollars and restitution may be ordered by the court.

(2) A person shall not maintain a waste tire site unless the site is permitted by the department of natural resources for the proper and temporary storage of waste tires or the site is an integral part of the person's permitted waste tire processing facility or registered waste tire

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 end-user facility. No new waste tire sites shall be permitted by the department after August 28,  
14 1997, unless they are located at permitted waste tire processing facilities or registered waste tire  
15 end-user facilities. A person who maintained a waste tire site on or before August 28, 1997,  
16 shall not accept any quantity of additional waste tires at such site after August 28, 1997, unless  
17 the site is an integral part of the person's waste tire processing or end-user facility, or unless the  
18 person who maintains such site can verify that a quantity of waste tires at least equal to the  
19 number of additional waste tires received was shipped to a waste tire processing or end-user  
20 facility within thirty days after receipt of such additional waste tires.

21 (3) A person shall not operate a waste tire processing facility unless the facility is  
22 permitted by the department. A person shall not maintain a waste tire end-user facility unless  
23 the facility is registered by the department. The inventory of unprocessed waste tires on the  
24 premises of a waste tire processing or end-user facility shall not exceed the estimated inventory  
25 that can be processed or used in six months of normal and continuous operation. This estimate  
26 shall be based on the volume of tires processed or used by the facility in the last year or the  
27 manufacturer's estimated capacity of the processing or end-user equipment. This estimate may  
28 be increased from time to time when new equipment is obtained by the owner of the facility, and  
29 shall be reduced if equipment used previously is removed from active use. The inventory of  
30 processed waste tires on the premises of a waste tire processing or end-user facility shall not  
31 exceed two times the permitted inventory of an equivalent volume of unprocessed waste tires

32 (4) Any person selling new, used, or remanufactured tires at retail shall accept, at the  
33 point of transfer, in a quantity equal to the number of tires sold, used or waste tires from  
34 customers, if offered by such customers. Any person accepting [used or] waste tires may charge  
35 a reasonable fee reflecting the cost of proper management of any waste tires accepted; except that  
36 the fee shall not exceed two dollars per waste tire for any tire designed for a wheel of a diameter  
37 of sixteen inches or less and which tire is required to be accepted on a one-for-one basis at the  
38 time of a retail sale pursuant to this subdivision. All tire retailers or other businesses that  
39 generate waste tires shall use a waste tire hauler permitted by the department, except that  
40 businesses that generate or accept waste tires in the normal course of business may haul such  
41 waste tires without a permit, if such hauling is performed without any consideration and such  
42 business maintains records on the waste tires hauled as required by sections 260.270 to 260.276.  
43 Retailers shall not be liable for illegal disposal of waste tires after such waste tires are delivered  
44 to a waste tire hauler, waste tire collection center, waste tire site, waste tire processing facility  
45 or waste tire end-user facility if such entity is permitted by the department of natural resources.

46 (5) It shall be unlawful for any person to transport waste tires for consideration within  
47 the state without a permit.

48 (6) Waste tires may not be deposited in a landfill unless the tires have been cut, chipped

49 or shredded.

50           2. Within six months after August 28, 1990, owners and operators of any waste tire site  
51 shall provide the department of natural resources with information concerning the site's location,  
52 size, and approximate number of waste tires that have been accumulated at the site and shall  
53 initiate steps to comply with sections 260.270 to 260.276.

54           3. The department of natural resources shall promulgate rules and regulations pertaining  
55 to collection, storage and processing and transportation of waste tires and such rules and  
56 regulations shall include:

57           (1) Methods of collection, storage and processing of waste tires. Such methods shall  
58 consider the general location of waste tires being stored with regard to property boundaries and  
59 buildings, pest control, accessibility by fire-fighting equipment, and other considerations as they  
60 relate to public health and safety;

61           (2) Procedures for permit application and permit fees for waste tire sites and commercial  
62 waste tire haulers, and by January 1, 1996, procedures for permitting of waste tire processing  
63 facilities and registration of waste tire end-user facilities. The only purpose of such registration  
64 shall be to provide information for the documentation of waste tire handling as described in  
65 subdivision (5) of this subsection, and registration shall not impose any additional requirements  
66 on the owner of a waste tire end-user facility;

67           (3) Requirements for performance bonds or other forms of financial assurance for waste  
68 tire sites;

69           (4) Exemptions from the requirements of sections 260.270 to 260.276; and

70           (5) By January 1, 1996, requirements for record-keeping procedures for retailers and  
71 other businesses that generate waste tires, waste tire haulers, waste tire collection centers, waste  
72 tire sites, waste tire processing facilities, and waste tire end-user facilities. Required record  
73 keeping shall include the source and number or weight of tires received and the destination and  
74 number of tires or weight of tires or tire pieces shipped or otherwise disposed of and such records  
75 shall be maintained for at least three years following the end of the calendar year of such activity.  
76 Detailed record keeping shall not be required where any charitable, fraternal, or other nonprofit  
77 organization conducts a program which results in the voluntary cleanup of land or water  
78 resources or the turning in of waste tires.

79           4. Permit fees for waste tire sites and commercial waste tire haulers shall be established  
80 by rule and shall not exceed the cost of administering sections 260.270 to 260.275. Permit fees  
81 shall be deposited into an appropriate subaccount of the solid waste management fund.

82           5. The department shall:

83           (1) Encourage the voluntary establishment of waste tire collection centers at retail tire  
84 selling businesses and waste tire processing facilities; and

85           (2) Investigate, locate and document existing sites where tires have been or currently are  
86 being accumulated, and initiate efforts to bring these sites into compliance with rules and  
87 regulations promulgated pursuant to the provisions of sections 260.270 to 260.276.

88           6. Any person licensed as an auto dismantler and salvage dealer under chapter 301,  
89 RSMo, may without further license, permit or payment of fee, store but shall not bury on his  
90 property, up to five hundred waste tires that have been chipped, cut or shredded, if such tires are  
91 only from vehicles acquired by him, and such tires are stored in accordance with the rules and  
92 regulations adopted by the department pursuant to this section. Any tire retailer or wholesaler  
93 may hold more than five hundred waste tires for a period not to exceed thirty days without being  
94 permitted as a waste tire site, if such tires are stored in a manner which protects human health  
95 and the environment pursuant to regulations adopted by the department.

96           7. Notwithstanding any other provisions of sections 260.270 to 260.276, a person who  
97 leases or owns real property may use waste tires for soil erosion abatement and drainage  
98 purposes in accordance with procedures approved by the department, or to secure covers over  
99 silage, hay, straw or agricultural products.

100           8. The department of transportation shall, beginning July 1, 1991, undertake, as part of  
101 its currently scheduled highway improvement projects, demonstration projects using recovered  
102 rubber from waste tires as surfacing material, structural material, subbase material and fill,  
103 consistent with standard engineering practices. The department shall evaluate the efficacy of  
104 using recovered rubber in highway improvements, and shall encourage the modification of road  
105 construction specifications, when possible, for the use of recovered rubber in highway  
106 improvement projects.

107           9. The director may request a prosecuting attorney to institute a prosecution for any  
108 violation of this section. In addition, the prosecutor of any county or circuit attorney of any city  
109 not within a county may, by information or indictment, institute a prosecution for any violation  
110 of this section.